



**MINUTES
HISTORICAL ARCHITECTURAL REVIEW BOARD
REGULAR MEETING OF JANUARY 7, 2010**

CALL TO ORDER: Chairperson MacRae called the meeting to order at 7:00 p.m.

PRESENT: Board Members: Minard, Pentaleri, and Tavares

ABSENT: Board Member Price

STAFF PRESENT: Kelly Diekmann, Senior Planner
Barbara Meerjans, Senior Planner

Senior Planner Diekmann noted that the first five minutes of the meeting had not been recorded and handwritten notes had been taken regarding changes to the minutes.

APPROVAL OF MINUTES: Regular minutes of November 5, 2009 were approved with the following corrections:

Correction of MacRae as Chairperson and Price as Board Member on pages 2, 3 and 4.

Vote should reflect 3 Ayes, not 4, on page 9.

Page 7, paragraph 2, first sentence, **Board Member Pentaleri** speaking- **Board Member Pentaleri** asked that staff review the recording, as the paragraph did not correctly state his intent.

Page 7, **Vice Chairperson Minard** speaking – change ~~San Jose~~ Mission San Jose District

ELECTION OF OFFICERS: **Vice Chairperson Minard** was nominated and elected 2010 Chairperson and continued the meeting as Chairperson.

Board Member Tavares was nominated and elected as 2010 Vice Chairperson.

DISCLOSURES **Board Member Tavares** recused himself from the two Public Hearing Items, because he had a real property interest that was within 500 feet from the location of each item.

Chairperson Minard and **Board Member Price** had driven by both properties.

The Board decided to discuss Miscellaneous Items before taking up the Public Hearing Items to allow **Vice Chairperson Tavares** to leave the meeting.

CONSENT CALENDAR: None

PUBLIC COMMUNICATIONS:

ORAL COMMUNICATIONS:

Note: At 7:15 p.m. Board Member Tavares retires from the meeting.

PUBLIC HEARING ITEMS:

Item 1. MISSION TINY TOTS BUILDING - 43327 Mission Boulevard – (PLN2010-00067) – to consider removal of a City of Fremont property located in the Mission San Jose Planning Area from the Fremont Register based upon the historic analysis performed in June 2007. The project is exempt from the California Environmental Quality Act (CEQA), per Guideline 15061(b)(3), in that it is not a project which has the potential for causing a significant effect on the environment.

Senior Planner Meerjans explained that HARB had asked for more information about the original process of establishing the list for what was then called Fremont Primary Historic Resources. A document prepared by Dr. Fisher (and sent to HARB members) described the thought process and the criteria that were still, generally, used by the State. This building was not specifically discussed. It was originally put on the list and carried forward through all successive General Plans.

Chairperson Minard opened the Public Hearing.

John Weed, property owner, recalled a reference to Basin Research Associates in a prior report. He noted that it was not a part of the record.

Senior Planner Meerjans stated that Informational 5 was the survey that Basin Research Associates performed in 1998. It was part of the original study by Woody Minor and it was available at the back of the room to the public.

Mr. Weed stated that four to five pages were usually devoted to identified structures and he asked if there was such a report for this one.

Senior Planner Meerjans replied that this one-page Historic Research Survey was all that was available. Informational 3 was a different preparation. Informational 4

was prepared in 1974 by Mission Peak Heritage about the Mission San Jose Old Town Complex and this property was included on that list.

Chairperson Minard closed the Public Hearing.

Arguments for and against removing the property from the Fremont Register, as summarized below:

- Per **Board Member Pentaleri** the assessment by Page and Turnbull was the most thorough and substantive of the assessments performed. The documentation that supported the earlier rationale was very thin. As discussed during the last meeting, the architecture was idiosyncratic and contributes to Mission San Jose's overall character, but it appeared that it was so substantially changed prior to its acquisition by the city that he would support removal from the list.
- **Board Member MacRae** believed someone could make good use of the building. He was upset by how the city had presented the disrepair of the building that was allowed by negligent owners, who where, in fact, the City and who now wished to demolish it. He would not vote to support the recommendation knowing it would go onto Planning Commission and City Council.
- **Chairperson Minard** agreed. Although the building may not have a lot of historical significance, it had contributed to the historical district. Whoever purchased this property needed to know that the building should be preserved.
- **Board Member Pentaleri** suggested that the Board decide if this property had been correctly included on the list and that the Board be strictly guided by the Historic Resources Ordinance.
- **Board Member MacRae** countered that rather than reexamining whether it should have originally been added to the list, higher criteria should be used to override the governing body that originally made the decision.
- **Chairperson Minard** added that some of the changes to the building were made as late as 1958 when Olive Hyde was living in it and it would not have met the 50-year criteria at that time. It was added to the list in the 1970s, despite the changes. Now the change did and it should be left on the list.
- **Board Member Pentaleri** feared that the effectiveness of HARB could be undermined if this body did not render its decisions in accordance with the Historic Resources Ordinance. It was reasonable to allow for the possibility that some misclassifications may have occurred when the original list was created.

Chairperson Minard asked if this property could be removed from the register, but left as a contributing part of the Mission San Jose Historic District, although non-historic.

Senior Planner Diekmann stated that the City did not have such a definition of a particular type of building. However, if it was not on the Register, it would still be

within the Historical Overlay District and would still have zoning controls placed on it. Regarding actual demolition, its contribution would be part of the consideration and if it would undermine the integrity of the Mission San Jose District if that building was removed.

Chairperson Minard worried about the example that allowing removal or declassification of this building would set. Anyone whose building was deteriorating or needed earthquake retrofits could use this property as the reason why they should be allowed to remove a property from the list, thus allowing the demolition of a structure, which could fuel the end of historic districts throughout the city.

Board Member Pentaleri reiterated **Senior Planner Diekmann's** remarks. Just because this property was taken off the Fremont Register, it did not mean that it was open season to do anything at all with this property. Very interesting business venues could evolve from this building, which would have nothing to do with whether it was listed as a Historical Resource. Any project proposed for this property would come before the Board. No one reading the minutes of this meeting would expect they would have a cake walk if they wished to propose a property be removed from the Register.

IT WAS MOVED (PENTALERI/MACRAE) AND FAILED BY THE FOLLOWING VOTE (1-2-0-1-1) THAT THE HISTORICAL ARCHITECTURAL REVIEW BOARD: **HOLD PUBIC HEARING.**

AND

RECOMMEND CITY COUNCIL REMOVE SUBJECT PROPERTY FROM THE FREMONT REGISTER OF HISTORIC RESOURCES.

The motion failed by the following vote:

AYES: 1 – Pentaleri
NOES: 2 – Minard, MacRae
ABSTAIN: 0
ABSENT: 1 – Price
RECUSE: 1 – Tavares

IT WAS MOVED (MACRAE/PENTALERI) AND CARRIED BY THE FOLLOWING VOTE (2-1-0-1-1) THAT THE HISTORICAL ARCHITECTURAL REVIEW BOARD **RECOMMEND CITY COUNCIL RETAIN SUBJECT PROPERTY ON THE FREMONT REGISTER OF HISTORIC RESOURCES.**

The motion carried by the following vote:

AYES: 2 – Minard, MacRae
NOES: 1 – Pentaleri
ABSTAIN: 0
ABSENT: 1 – Price
RECUSE: 1 – Tavares

Item 2. OW RESIDENCE AND PARCEL MAP – 288 GROVE AVENUE – (PLN2007-00361) – to consider Site Plan and Architectural Review of one new single-family home and street improvements proposed for Tentative Parcel Map 9863 as part of a two-lot subdivision for property located in the Bryant Street Neighborhood Conservation District of the Mission San Jose Planning Area. This project is categorically exempt, per Guideline Sections 15303, 15315, and 15331, California Environmental Quality Act (CEQA).

Senior Planner Diekmann stated this item was a reconsideration of the construction of one single-family home after a 10,000 square foot lot was subdivided. HARB was to review the site plan and architecture and make recommendations to the Planning Commission on the streetscape improvements that would accompany the parcel map. In 2008 HARB had asked this project be continued to allow new information to be provided about how the subdivision would work and what effects it would have on the property lines, the landscaping and improvements. At that time, a number of recommendations were made to the applicant concerning the site plan and architectural review and the applicant has agreed to those changes.

Ivan Mak, applicant's representative, stated that the owner would agree to whatever was required to allow his project to be approved.

Board Member Pentaleri asked if the applicant had any concerns about the staff recommendation regarding the saving all of the existing trees in the public right-of-way and working with staff on the final sidewalk design.

Mr. Mak stated that the only a small tree within the property would have to be taken down.

Chairperson Minard asked the following questions:

- Did storm drains currently exist and would they have to be modified?
Senior Planner Diekmann said that storm drain connection was required, but no details had been provided in this report.
- Would the curbs and gutters be configured similarly to what was already in Niles with the bulbouts around the trees?
Exhibit B showed how the curb line, rather than a bulbout, would function around the trees.
- Moving tank houses was sometimes difficult. Would the tank house be physically moved rather than dismantled and rebuilt?

Board Member MacRae and **Board Member Pentaleri** both agreed that the applicant had been very receptive to the Board's suggestions and had done a "super job."

IT WAS MOVED (PENTALERI/MACRAE) AND CARRIED BY THE FOLLOWING VOTE (3-0-0-1-1) THAT THE HISTORICAL ARCHITECTURAL REVIEW BOARD: HOLD PUBLIC HEARING.

AND

FIND THAT THE PROJECT IS EXEMPT FROM CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PER GUIDELINE SECTION 15303, NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES; SECTION 15315, MINOR LAND DIVISIONS; AND SECTION 15331, CONSISTENCY WITH SECRETARY OF INTERIOR STANDARDS FOR THE RELOCATION, STABILIZATION AND PRESERVATION OF THE TANK HOUSE, AND THAT THIS ACTION REFLECTS THE INDEPENDENT JUDGMENT OF THE CITY OF FREMONT.

AND

FIND THAT THE NEW RESIDENCE, RELOCATION OF THE TANK HOUSE, AND STREETScape IMPROVEMENTS FOR TENTATIVE PARCEL MAP 9863 ARE IN CONFORMANCE WITH THE RELEVANT PROVISIONS OF THE CITY'S GENERAL PLAN, ZONING ORDINANCE, AND BRYANT STREET NCD PLANNED DISTRICT. THESE PROVISIONS INCLUDE THE RESIDENTIAL MEDIUM DESIGNATION, FUNDAMENTAL GOAL 6, AND HOUSING GOAL 1, AS ENUMERATED WITHIN THE STAFF REPORT, AND THE BRYANT STREET NCD RESIDENTIAL SITE DEVELOPMENT GUIDELINES AND DESIGN TERMS OF REFERENCE, AS DESCRIBED WITH THE STAFF REPORT.

AND

APPROVE EXHIBIT "A" (NEW HOME AND RELOCATION OF TANK HOUSE), BASED ON FINDINGS AND SUBJECT TO CONDITIONS IN EXHIBIT "C."

AND

RECOMMEND EXHIBIT "B" (STREETScape IMPROVEMENTS, TENTATIVE PARCEL MAP 9863) TO THE PLANNING COMMISSION, BASED ON FINDINGS AND SUBJECT TO CONDITIONS IN EXHIBIT "D."

AND

THE TANK HOUSE TO BE PHYSICALLY MOVED AND NOT REBUILT.

The motion carried by the following vote:

AYES:	3 – Minard, Pentaleri, MacRae
NOES:	0
ABSTAIN:	0
ABSENT:	1 – Price
RECUSE:	1 – Tavares

MISCELLANEOUS ITEMS

Information from Board and Staff:

- **Discussion of Past Projects**

Senior Planner Meerjans announced that the grand opening of Fire Station No. 2 (Niles Fire Station) would occur on February 17, 2:00 p.m. HARB members would receive invitations.

- **Information from Staff: Staff will report on matters of interest.**

None.

- **Information from Board: Board will report on matters of interest.**

Chairperson Minard announced that a lunch for Phil Holmes, who was to be designated as the official Fremont Historian, would occur on February Monday, 1st, 1:00 p.m., at 159 Washington Boulevard, the historic Best House.

Meeting adjourned at 7:50 p.m.

SUBMITTED BY:



Alice Malotte
Recording Clerk

APPROVED BY:



Kelly Diekmann, Co-Secretary
Historical Architectural Review Board